## **CLAIMS**

5

10

15

20

1. A method for determining a data rate using sub-band capacity in a communication network having a first modem in communication with a second modem over a communication channel, the method comprising the steps of:

receiving a signal from a first modem;

determining from the signal, information concerning line conditions on a communications channel associated with the first modem;

calculating an estimate of channel capacity using a geometric mean of capacities of a plurality of frequency domain sub-bands; and

determining a data rate based on the estimate of channel capacity.

- 2. The method of claim 1, further comprises the step of: determining a signal power for each sub-band.
- 3. The method of claim 1, further comprises the step of: determining a noise power for each sub-band.
- 4. The method of claim 1, wherein each sub-band is determined with a discrete Fourier transform.
- 5. The method of claim 1, wherein each sub-band is sufficiently small such that noise within the sub-band is approximately additive white and gaussian noise.
- 6. The method of claim 1, wherein the steps are performed during a line probe session between pre-activation handshaking sessions between a plurality of modems to evaluate performance of a plurality of data rates across a communication channel.
- 7. The method of claim 1, wherein the step of calculating further comprises the steps of:
- 25 sampling a noise signal;
  - computing a discrete Fourier transform of the noise signal; and estimating a noise power spectral density for the noise signal.
  - 8. The method of claim 7, further comprising the steps of: sampling a transmit signal;
- 30 computing a discrete Fourier transform of the transmit signal; and

5

10

15

20

25

estimating a signal and noise power spectral density.

- 9. The method of claim 8, further comprising the steps of: computing capacity of each frequency sub-band; and summing the capacity of each frequency sub-band to generate a total capacity.
- 10. The method of claim 1, wherein at least one of the first modem and the second modem operate according to the G.SHDSL standard for spectral compatibility.
- 11. The method of claim 1, wherein the step of determining a data rate, further comprises the step of:

comparing the estimate of channel capacity for a plurality of rates of interest.

- 12. The method of claim 1, wherein the steps are performed at a customer premise equipment.
  - 13. The method of claim 1, wherein the steps are performed at a central office.
- 14. In a communication network having a first modem in communication with a second modem over a communication channel, a system for conducting symbol rate negotiation and determining a preferred rate, the system comprising:

a receiving module for receiving a signal from a first modem;

- a line condition determining module for determining from the signal, information concerning line conditions on a communications channel associated with the first modem;
- a calculating module for calculating an estimate of channel capacity using a geometric mean of capacities of a plurality of frequency domain sub-bands;
- a data rate determining module for determining a data rate based on the estimate of channel capacity.
- 15. The system of claim 14, wherein a signal power is determined for each sub-band.
- 16. The system of claim 14, wherein a noise power is determined for each sub-band.
- 17. The system of claim 14, wherein each sub-band is determined with a discrete Fourier transform.

5

10

15

20

and

- 18. The system of claim 14, wherein each sub-band is sufficiently small such that noise within the sub-band is approximately additive white and gaussian noise.
- 19. The system of claim 14, wherein the system operates during a line probe session between pre-activation handshaking sessions between a plurality of modems to evaluate performance of a plurality of data rates across a communication channel.
  - 20. The system of claim 14, further comprising:
  - a noise sampling module for sampling a noise signal;
- a noise transform computing module for computing a discrete Fourier transform of the noise signal; and
- a noise estimating module for estimating a noise power spectral density for the noise signal.
  - 21. The system of claim 20, further comprising:
  - a transmit sampling module for sampling a transmit signal;
- a transmit transform computing module for computing a discrete Fourier transform of the transmit signal; and
- a transmit estimating module for estimating a signal and noise power spectral density.
  - 22. The system of claim 21, further comprising:
  - a capacity computing module for computing capacity of each frequency sub-band;
- a capacity summer for summing the capacity of each frequency sub-band to generate a total capacity.
- 23. The system of claim 14, wherein at least one of the first modem and the second modem operate according to the G.SHDSL standard for spectral compatibility.
- 25 24. The system of claim 14, wherein the estimate of channel capacity is compared for a plurality of rates of interest.
  - 25. The system of claim 14, wherein the system is located at a customer premise equipment.
    - 26. The system of claim 14, wherein the system is located at a central office.

 5

10

27. The method of claim 1, wherein the estimate of channel capacity is calculated by

$$C = B_{s} \left( \sum_{k=\alpha}^{\beta} \log_{2} \left( |\hat{W}(k)|^{2} 10^{\frac{(\Gamma - G + \gamma + \delta)}{10}} + |\hat{S}(k)|^{2} \right) - \sum_{k=\alpha}^{\beta} \log_{2} \left( |\hat{W}(k)|^{2} 10^{\frac{(\Gamma - G + \gamma + \delta)}{10}} \right) \right)$$

where 
$$B_s = \frac{B}{(\beta - \alpha + 1)}$$
;  $0 < \alpha < \beta < N-1$ ;  $B_s$  represents a sub-band width in Hz;  $\hat{S}(k)$ 

represents an estimated power spectrum of signal;  $\hat{W}(k)$  represents an estimated power spectrum of noise;  $\Gamma$  represents a gap from a theoretical channel capacity for PAM signals in dB; G represents a coding gain of a Trellis decoder in dB;  $\gamma$  represents a required margin in dB;  $\delta$  represents an implementation loss in dB,  $\alpha$  represents an index of a first sub-band and  $\beta$  represents an index of a last sub-band.